

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated January 30, 2004. The Petition for Extension of Time (two months) and the fee therefor are enclosed.

Applicant assumes that the drawings submitted are acceptable for examination purposes. As such time as the Applicant is notified that there is patentable subject matter in the present application, formal drawings will be supplied.

Respecting the rejection of claims 1, 2, 3 and 8 under 35 U.S.C. §112, second paragraph, the Applicant respectfully traverses the same, on the ground that literally tens of thousands of issued patents use the same type of language “substantially” and/or “semi-automatically,” etc. Nonetheless, Applicant is content with the Examiner’s reading these terms as generic words.

Substantively, claims 1-4 and 6-13 stand rejected on the grounds of obviousness over Storefrontpro.com in view of Peckover (U.S. Patent 6,119,101). Claim 5 is being rejected on the grounds of obviousness over Storefrontpro.com and Peckover in view of Conklin (U.S. Patent 6,332,135). Reconsideration is requested in view of the amendments to the claims and the following remarks.

The Office Action concedes that the primary reference does not specifically disclose and teach selection criteria subsystem. Nonetheless, it is contended that Peckover teaches selection criteria.

Respectfully, the present invention is directed to a website constructor that includes a merchandise selection subsystem in the website constructor that selects merchandise that matched the selection criteria semi-automatically.

In the context of a website constructor, it has been unknown to provide such an instrumentality in the form of a merchandise selection subsystem that is incorporated therein.

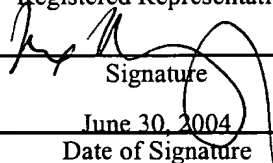
Unquestionably, myriads of systems presently exist that allow purchasers of goods to specify certain criteria for goods and the selection of those goods are then provided to the potential buyer. That type of system is neither a semi-automatic system and in any event, has no nexes to the specific problem associated with expediting the creation of a website. As such, it would not have been obvious to combine the references upon which the Office Action relies and the secondary reference constitutes non-analogous art in the context of a system designer

designing website constructors. Accordingly, it is respectfully submitted that claim 1 and all its dependent claims clearly define over the prior art.

Therefore, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 30, 2004:

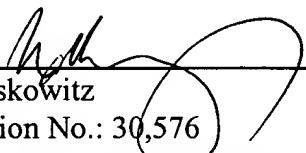
Max Moskowitz
Name of applicant, assignee or
Registered Representative


Signature

June 30, 2004
Date of Signature

MM:lac

Respectfully submitted,


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